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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/685,671 | 10/15/2003 | Dieter Eckardt | ECKARDT-5 | 7049 |
| 20151 7590 02/26/2007 HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118 | | | EXAMINER CAO, PHUONG THAO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2164 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/685,671 | ECKARDT ET AL. | |
| | Examiner | Art Unit | |
| | Phuong-Thao Cao | 2164 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Amendment filed with a RCE on 12/22/2006.
2. Claims 1 and 3-5 have been amended. Currently, claims 1 and 3-5 are pending.

Drawings

3. The replacement of Fig. 1 has been received and is not accepted. Since Fig. 1 is an illustration of a conventional arrangement for parameterizing a device according to specification (page 5), the drawing should be labeled with "Prior Art". Correction is required.

Response to Arguments

4. Regarding Applicant's argument that Okamoto does not teach or suggest a least employing a parameter which includes a parameter identifier and a parameter value, Okamoto teaches a transmission demand, for example, "Drive the wiper" (see [column 1, lines 45-67]) requested from the control system wherein demand "Drive the wiper" or control data transmitting as a transmission data sequence in the communication frame from one node to another node or from master node to slave nodes can be considered as "dataset" as to Applicant's claim language; further, the transmission data such as "Drive the wiper" can be transmitted as a transmission data sequence which is divided into areas 35b, 35c, 35d and 35e and each data corresponds to data received by the slave nodes B, C, D and E (see [column 5, lines 1-40] and

Art Unit: 2164

[column 17, lines 1-15]) wherein each area including its data in the transmission data sequence is equivalent to Applicant's "parameter", wherein data which identify each area corresponding to a respective slave node or identify which slave node (assigned memory area) would receive the data in the specific area is equivalent to Applicant's "parameter identifier" and data in each area is equivalent to Applicant's "parameter value".

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1 and 3-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1 and 3-5, these claims recite the process of parameterizing an apparatus, but fail to recite a tangible result.

For a result to be tangible, it must be more than just a thought or a computation; it must have real-world value rather than an abstract result. What has been generated, determined, calculated, selected or decided, etc. without using what has been generated, determined, calculated, selected, decided, etc. in a disclosed practical application or at least making what has been generated, determined, calculated, selected, decided, etc. available for use through some form of conveyance (for example, display, print, sound, transmission, etc.) or at least temporary

Art Unit: 2164

storage somewhere is not considered a tangible result. Processing data in memory such as “releasing the received dataset” is not considered as tangible result until the result data is at least stored or displayed. Further, there seems not to have any result when the comparison is not identical.

Claim Rejections - 35 USC § 102.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto (US Patent No 5,754,531).

As to claim 1, Okamoto teaches:

“A method for parameterizing an apparatus” (see Abstract, [column 11, lines 45-65] and [column 16, lines 35-67] wherein sending a transmission demand, for instance “Drive the wiper”, is equivalent to Applicant’s “parameterizing an apparatus”), comprising the steps of:

“inputting a dataset of at least one parameter with a data input device that is connected with the apparatus via a datalink, the at least one parameter including a parameter identifier and a parameter value” (see [column 1, lines 50-67], [column 5, lines 1-40], [column 16, lines 35-67]

Art Unit: 2164

and [column 17, lines 1-40] for the disclosure of transmission demand, for example, “Drive the wiper” requested (equivalent to “inputting”) from the control system of transmitting node (A), wherein transmitting node A is equivalent to Applicant’s “data input device”, nodes B, C, D and E are equivalent to Applicant’s “apparatus”, transmission data sequence is equivalent to Applicant’s “dataset” and bus line is equivalent to Applicant’s “datalink”; further, the transmission data or control data can be transmitted as a transmission data sequence which is divided into areas 35b, 35c, 35d and 35e and each data corresponds to data received by the slave nodes B, C, D and E (see [column 5, lines 1-40] and [column 17, lines 1-15]) wherein each area including its data in the transmission data sequence is equivalent to Applicant’s “parameter”, wherein data which identify each area corresponding to a respective slave node or identify which slave node (assigned memory area) would receive the data in the specific area is equivalent to Applicant’s “parameter identifier” and data in each area is equivalent to Applicant’s “parameter value”.);

“transmitting the inputted dataset to the apparatus” (see [column 5, lines 1-40], [column 16, lines 65-67] and [column 17, lines 1-3 and 30-40] for the transmission of communication frame including transmission data sequence wherein transmission data sequence is equivalent to Applicant’s “inputted dataset”);

“extracting from each parameter of the dataset received at the apparatus the at least one parameter identifier and the parameter value” (see [column 5, lines 15-40] and [column 17, lines 1-15] for the disclosure of transmission data sequence is divided into areas and each data corresponds to data received by slave nodes wherein each area in the transmission data sequence (see Fig. 14) is equivalent to Applicant’s “parameter” wherein data which identify a specific

Art Unit: 2164

node received data in a certain area (see [column 17, lines 60-67] for data “0100” which indicates slave node C) is equivalent to Applicant’s “parameter identifier” and data in an area (see Fig. 14 for data “01” in area 35c, for instance) is equivalent to Applicant’s “parameter value”);

“assigning to the parameter value a memory address in a parameter memory based on the at least one parameter identifier” (see [column 12, lines 50-60] and [column 17, lines 55-67] wherein data “0100” is an example of parameter identifier, memory in each node is equivalent to Applicant’s “parameter memory”, and determining an address of the reception buffer is equivalent to assigning a memory address as illustrated in Applicant’s claim language);

“separately storing the at least one parameter identifier and the parameter value at the assigned memory address” (see [column 15, lines 20-30], [column 17, lines 60-67] and Fig. 9 wherein the disclosure of the reception data (parameter value) stored in the reception buffer and self address (parameter identifier) stored in the self address register);

“returning to the data input device the separately stored at least one parameter identifier and the parameter value stored at the assigned memory address” (see [column 18, lines 15-25 and 44-60] wherein the master node A is equivalent to Applicant’s “data input device”, and reception data (parameter value) stored in reception buffer register and address data (parameter identifier) of each node stored in self address register is equivalent to Applicant’s “the separately stored at least one parameter identifier and parameter value”);

“comparing at the data input device the returned stored at least one parameter identifier and parameter value with the corresponding transmitted at least one parameter identifier and parameter value of the input dataset” (see Abstract and [column 5, lines 15-40] for the

Art Unit: 2164

comparison between received return data sequence and the transmission data sequence which is equivalent to Applicant's claim language); and

“releasing the received dataset if the returned stored at least one parameter identifier and the stored parameter value are identical to the corresponding at least one parameter identifier and parameter value of the inputted dataset” (see [column 5, lines 1-40], [column 17, lines 10-15] and [column 19, lines 18-40] wherein outputting data which are processed as effective as disclosed is equivalent to releasing the received dataset as illustrated in Applicant's claim language).

As to claim 3 this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Okamoto teaches:

“wherein comparing includes inverting a bit pattern of the received dataset, and inverting a bit pattern of the returned stored at least one parameter identifier and parameter value” (see [column 5, lines 1-40], [column 19, lines 53-65], [column 20, lines 45-67] and [column 21, lines 1-25] wherein the return data sequence is equivalent both to “the received dataset” and “the returned stored at least one parameter number and parameter value”, and inverted reception data is equivalent to “inverting a bit pattern” as illustrated in Applicant's claim language)

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Okamoto teaches:

“wherein comparing includes a visual comparison between the returned stored at least one parameter identifier and parameter value and the corresponding ones of the inputted dataset” (see [column 19, lines 25-40]) wherein the control system interface portion outputting data as effective in response to the control signal as disclosed shows a visual matching result of the comparison which is equivalent to Applicant’s “visual comparison”).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Okamoto teaches:

“wherein comparing includes an automatic comparison between the returned stored at least one parameter identifier and parameter value and the corresponding ones of the inputted dataset” (see [column 18, lines 45-67] wherein data in the return data buffer register is equivalent to Applicant’s “the returned stored at least one parameter number and parameter value”, data in the transmission buffer register is equivalent to Applicant’s “the corresponding ones of inputted dataset” and the comparison operation of the comparison portion is equivalent to Applicant’s “automatic comparison”).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

February 15, 2007


CHARLES RONES
SUPERVISORY PATENT EXAMINER